

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
CAPMARK FINANCIAL GROUP INC.; :  
SUMMIT CREST VENTURES, LLC; CAPMARK :  
CAPITAL LLC (f/k/a CAPMARK CAPITAL :  
INC.); CAPMARK FINANCE LLC (f/k/a :  
CAPMARK FINANCE INC.); COMMERCIAL :  
EQUITY INVESTMENTS LLC (f/k/a :  
COMMERCIAL EQUITY INVESTMENTS, :  
INC.); MORTGAGE INVESTMENTS, LLC; NET :  
LEASE ACQUISITION LLC; SJM CAP, LLC; :  
CAPMARK AFFORDABLE EQUITY :  
HOLDINGS LLC (f/k/a CAPMARK :  
AFFORDABLE EQUITY HOLDINGS INC.); :  
CAPMARK REO HOLDING LLC; and :  
CAPMARK INVESTMENTS LP, :  
: Case No. 11-CIV-7511 (RWS)  
Plaintiffs, :  
: v. :  
:  
GOLDMAN SACHS CREDIT PARTNERS L.P.; :  
GOLDMAN SACHS CANADA CREDIT :  
PARTNERS CO.; GOLDMAN SACHS :  
MORTGAGE COMPANY; and GOLDMAN :  
SACHS LENDING PARTNERS LLC, :  
: Defendants. :  
----- x

**NOTICE OF THE GOLDMAN LENDERS' MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that the undersigned, attorneys for Defendants Goldman Sachs Credit Partners L.P., Goldman Sachs Canada Credit Partners Co., Goldman Sachs Mortgage Company, and Goldman Sachs Lending Partners LLC (collectively, the "Goldman Lenders"), will move this Court before the Honorable Robert W. Sweet, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time

to be determined by this Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint with prejudice. The grounds for this motion are set forth in the Memorandum of Law in Support of the Goldman Lenders' Motion to Dismiss the Complaint and accompanying Declaration of Benjamin S. Kaminetzky and exhibits thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the agreement of the parties so ordered by this Court on March 27, 2012, any opposition papers in response to this motion shall be served upon the undersigned counsel on or before May 25, 2012, and any reply papers shall be served upon Plaintiffs' counsel on or before June 22, 2012.

Dated: New York, New York  
April 20, 2012

Respectfully Submitted,  
DAVIS POLK & WARDWELL LLP

By: /s/ Benjamin S. Kaminetzky  
Benjamin S. Kaminetzky  
Andrew D. Schlichter  
Marc J. Tobak  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
ben.kaminetzky@davispolk.com

*Attorneys for Defendants Goldman Sachs Credit  
Partners L.P., Goldman Sachs Canada Credit  
Partners Co., Goldman Sachs Mortgage  
Company, and Goldman Sachs Lending Partners  
LLC*